

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**Oldendorff Carriers GmbH & Co. KG**

v.

**Fairwind Europe Limited et al**

X

**09 cv 8497 (CM)**

**DECISION AND ORDER VACATING ATTACHMENT  
AND DISMISSING CASE**

McMahon, J.:

On November 2, 2009, the Court issued an order to show cause directing plaintiff to show cause why the maritime attachment in this case should not be vacated in light of Shipping Corp. of India v. Jaldhi Overseas Pte Ltd., 585 F.3d 58 (2d Cir. 2009), and the Complaint dismissed for lack of jurisdiction. The order provided *inter alia*:

Plaintiff may submit an affidavit and brief totaling no more than ten pages no later than seven (7) days following receipt of this Order. Failure to file shall constitute an admission that the court lacks jurisdiction over the matter and it will be dismissed forthwith.

It has been one month since the Court issued its order and plaintiff has not responded. Accordingly, the attachment order in this matter is vacated.

By failing to respond to the Court's order to show cause, plaintiff has failed to demonstrated any basis for asserting *in personam* jurisdiction over defendant. As the now-vacated EFT attachment is the only asserted basis of jurisdiction, the action must be dismissed. The Clerk of the Court is directed to terminate the motion and to close the case.

*Colleen McMahon*  
SO ORDERED

Colleen McMahon  
U.S.D.J.

Dated: December 3, 2009  
New York, New York